IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

OP.No. 24398 of 2001(D)

PETITIONER:
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1. MARY, WIFE OF ISSAC TOM, PUTHUMANA HOUSE, MARUMTHAMKULAM, BALAL, KASARAGODE DIST.

2. SAJU, PUTHUMANA HOUSE, DO.DO.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:
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1. THE DISTRICT REGISTRAR, KASARAGODE.

2. THE DISTRICT COLLECTOR, KASARAGODE.

3. THE VILLAGE OFFICER, BALAL VILLAGE, KASARAGODE.

BY GOVERNMENT PLEADER SMT. SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 39998 OF 2001 IN OP 24398 OF 2001

DISMISSED

3.12.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 PHOTOCOPY OF SALE DEED NO. 672 DATED 20.2.1997 OF SUB REGISTRAR'S OFFICE, BALAL.

EXT.P2 PHOTOCOPY OF SALE DEED NO. 673 DATED 20.2.1997 OF SUB REGISTRAR'S OFFICE, BALAL.

EXT.P3 COPY OF DEMAND NOTICE ISSUED FROM THE 2ND RESPONDENT TO THE FIRST PETITIONER.

EXT.P4 COPY OF DEMAND NOTICE ISSUED FROM THE 2ND RESPONDENT TO THE 2ND PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 24398 OF 2001

Dated this the 3rd day of December, 2007

JUDGMENT

Petitioners are challenging recovery proceedings for recovery of addl. stamp duty assessed and demanded by the District Registrar. Even though O.P. is pending for the last six years, respondents have not produced final adjudication orders in Court. In the counter affidavit it is conceded that petitioners did not respond to the notices and therefore they were not heard. In the circumstances, I give one more opportunity to the petitioners to appear before the first respondent and file objections against demands treating such demands as notices along with a copy of this judgment within one month from the date of receipt of a copy of this judgment . If the petitioners file objections and documents in support of their case within the time stated above, then there will be direction to the first respondent to hear the petitioners and pass fresh adjudication orders. If any document is relied on by the first respondent, he shall give copy of the same to the petitioners for them to raise objections on the document relied on by the first respondent. If

the petitioners do not appear and file objections within the time stated above, then the demands now raised against petitioners will stand sustained and respondents will be free to proceed to recover the amount after expiry of the period stated above. However, if the petitioners file objections as stated above, then fresh orders will be issued by the first respondent within one month after filing objections and such order will supersede the impugned order.

O.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge